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**LEVELING THE ELECTORAL PLAYING-FIELD DURING
DEMOCRATIC TRANSITIONS¹**

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The collapse of the Soviet Union brought a wave of regime change — to democracy *and* autocracy. The only certain outcome of this transition is the abandonment of Communism. and not, as some expected, the ultimate establishment of liberal democracy. Most of the post-Communist states are still hybrids, mixed polities or consolidated autocracies — only some can be classified as consolidated democracies.

The beginning of a democratic transition is often marked by competitive elections. In all modern democracies people participate by choosing their representatives in competitive elections; thus, such elections are critical instruments of democracy. As Hanna F. Pitkin argues, 'Our concern with elections and electoral machinery, and particularly with whether elections are free and genuine, results from our conviction that such machinery is necessary to ensure systematic responsiveness.'² Thus it would be difficult to consider any system as one of representative government unless it held regular elections which were "genuine" and "free". Free and fair elections are, in other words, a prerequisite of the existence of democratic regimes. Moreover, as Giovanni Sartori writes, the function of elections 'is not to make democracy more democratic but to make it possible.'³ In analysing the effects of electoral competition one should

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² Hanna F. Pitkin, *The Concept of Representation* (London: University of California Press, 1967), p. 234.

³ Giovanni Sartori, *Democratic Theory* (New York: Praeger, 1965), p. 108.

not pass over the quality of the elections in silence. The degree to which elections are “free” and “fair” is significant for the evaluation of the progress made in democratization.

Yet, merely institutionalizing free and fair elections is insufficient for the consolidation of democracy. Political parties, and not interest groups, play fundamental roles as key institutions of political society, particularly for a modern consolidated democracy. Political parties are the foundation of political society, providing a structure for political participation and organized competition. Elmer E. Schattschneider claimed that ‘political parties created democracy and that modern democracy is unthinkable save in terms of parties.’⁴ The importance of opposition parties in particular, competing in free and fair elections, was recognised by Samuel Huntington, who concluded that ‘a primary criterion for democracy is equitable and open competition for votes between political parties without government harassment or restriction of opposition groups’.⁵

Furthermore, scholars have identified “the right to vote in free and fair elections” as one of the requirements for democracy that forms a basis for evaluating the process of democratization. And regardless of differences in electoral systems, most ‘unfair’ elections result from the political finance irregularities connected with unequal participation. As Archie Brown rightly argues concerning post-Communist countries, ‘Where unfairness comes in at the level of the presidential elections, it is not primarily a matter of fraud....but much more a question of access to money and the mass media.’⁶

Indeed, a fair and competitive electoral process is necessary for the whole process of democratization. Jorgen Elklit and Palle Svensson define the concept of “fairness” as impartiality. They suggest that ‘fairness involves both *regularity* (the unbiased application of rules) and *reasonableness* (the not-too-unequal distribution of relevant resources among competitors).’⁷ They propose certain criteria for the evaluation of ‘fairness’ at particular stages of the electoral process, such as: (a) a transparent electoral process; (b) equal opportunity for parties and independent candidates to compete in elections; (c) an equitably regulated electoral campaign; (d) equal access to any government-controlled media; (e) equitable distribution of any public funding among the parties and (f) the prevention of improper or fraudulent use of government facilities.

The concept of fairness is closely connected with the notion of “a level playing field”. The degree of equal access to important political resources, especially money, and of equal opportunity for all candidates indicate progress in a democratic transition. If the necessary resources are too unequally distributed among the competitors or if the opposition is devoid of

⁴ Elmer E. Schattschneider, *Party Government* (New York, 1942), p. 1.

⁵ Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (London: University of Oklahoma Press, 1991), p. 17. Also Lipset suggests that ‘over time, in both new and revived democracies, conflict between the governing and opposition parties helps establish democratic norms and rules.’ See Seymour Martin Lipset, “The Indispensability of Political Parties,” *Journal of Democracy*, 11/1 (2000), p. 48.

⁶ Brown (2001), p. 555.

⁷ Jorgen Elklit and Palle Svensson (1997). “What Makes Elections Free and Fair?,” *Journal of Democracy*, 8.3 (1997), p. 35. However, they affirm that. ‘In fact, we know of no democracy that has distributed relevant political resources equally among political competitors.’ *Ibid.* p. 34.

any access to relevant resources then the right to political equality and the right to participate on an equal basis are violated.

Moreover, there is another general problem for democratization — namely, the limitation on “the right to compete for public office” — one of Dahl’s and Brown’s requirements of democracy. In regimes going through the process of democratic transition there is a need to secure political equality — in other words, the right to participate in government and the right to stand for election in fair competition with other citizens. The great importance of vast amounts of political money to fight presidential elections in Russia has been highlighted by Archie Brown, who argues that ‘it is highly doubtful whether Yeltsin could have made the remarkable transition from single-digit popular support in January 1996 to presidential victory in the summer of that year without a wholly disproportionate share of financial resources behind his successful campaign.’⁸

Further, consolidated democracy requires working democratic institutions, including political parties, that are accountable to the citizens. A flawed system of political finance undermines accountability and good governance, adding to institutional inefficiency of newly emerged democracies. A corrupt system of political finance not only separates the political elite from society but challenges the whole concept of representation. When political parties are viewed as ineffective and corrupt organisations, people hesitate to join or become associated with parties. In the view of Larry Diamond and Richard Gunther:

The combination of a more or less corrupt system of party and campaign finance with a stream of blatant scandals and a backlog of public aspirations for more responsive government that go unmet (while being amplified by a cynical media) generates growing public disillusionment with democratic politics and government. In short, parties may be the lightning rod for criticisms growing out of dissatisfaction with the broader functioning of democracy.⁹

Such problems as political apathy, anti-party rhetoric and attacks on democratic institutions may result from the limited legitimacy of politicians. Politicians may be too self-serving or excessively corrupt and non-accountable to gain the necessary respect and support that they need from the public. The low legitimacy of parties and elections is a serious obstacle to democratic consolidation. The decline of political parties may threaten the process of democratization because it opens doors to populists. In such circumstances citizens cease to perceive politicians, parliament and political parties as fundamental and desirable institutions of a democratic polity. In fact, anti-politician feelings are common in post-Communist countries; in the whole post-Communist world those voters who do not trust politicians and political parties constitute a clear and significant majority. And as they are key institutions and the main means of electoral competition, regimes are less democratically consolidated when these institutions are discredited.

Thus, the renewal and reform of the electoral system is, and should be, very high on the agenda in newly democratised countries. Greater transparency of elections and accountability of

⁸ Brown (2001), p. 556.

⁹ Larry Diamond and Richard Gunther (eds.), *Political Parties and Democracy* (Baltimore: The Johns Hopkins University Press, 2001), p. xiii.

political leaders are essential for democracy before it can be consolidated. Bearing all this in mind, it can be seen as imperative that pro-democratic parties and candidates promote more transparent and accountable structures and operations. As Doherty points out:

The new age of mass media and technology has had two effects: diminishing the role of parties in disseminating political information and highlighting cases of scandals and partisan corruption. Political parties have been forced to address these weaknesses and the lack of credibility in a variety of ways. These include placing greater emphasis on issues of ethics in public office, modernizing and democratising party structures to allow for greater participation, and promoting greater openness and transparency in the operation of government and political systems generally.¹⁰

However, fighting illegal funding practices and political corruption is also a big challenge for newly established democracies. In the opinion of Herbert E. Alexander:

It is natural that in democratic societies individuals and groups with abundant economic resources will try to use their wealth to influence the outcome of elections and the course of government policies. Money is only one element in the equation of power. People, not dollars, vote. But money helps to shape both voter behaviour and governmental decisions, and hence is subject to various forms of regulation.¹¹

Yet, in certain post-Communist countries, financial resources alone are not the major problem. It is still possible for those who have comprehensive control over key sectors of public life — the media, the security services and other enforcement agencies, and the public administration generally — to marginalize even those actors who have sufficient financial resources for effective political competition. Thus, the advantages of office holding are not limited to illegal uses of public money, but also include practices of systemic patronage and administrative pressure. The so-called “administrative resources” include special treatment by national, regional and local governments, the state-owned media, directors of state-owned enterprises and other organizations funded by the state budget.¹² A favored party or presidential candidate receives undocumented and “free” services, enjoys the free use of state facilities, speaks at meetings of “worker collectives” that have been organized by government officials or company owners, and so on. The administrative resource of power should be analysed in two dimensions — restricting and supporting. For instance, according to one Russian scholar, ‘[The] Kremlin’s priority today, unlike Yeltsin’s days, is not helping a ‘loyal candidate’ — it is preventing an “unacceptable” one from winning’.

The final basic requirement of democracy, the rule of law, requires the creation of a legal framework, as ‘it is difficult even to envisage the various freedoms which are essential

¹⁰ Ivan Doherty, ‘Democracy Out of Balance’, *Policy Review*, April/May (2001), p. 34.

¹¹ Herbert E. Alexander, ‘Approaches to Campaign and Party Finance Issues’, in Karl-Heinz Nassmacher (ed.), *Foundations for Democracy: Approaches to Comparative Political Finance* (Baden-Baden: Nomos, 2001), p. 198.

¹² According to the Ukrainian Centre for Economic and Political Studies, “administrative resources” may be defined as the ‘influence of executives using their official powers on the political process, in particular, the conduct, results and other aspects of the electoral process, with the purpose of preserving their power.’ See UCEPS report No 12 (24) 2001, p. 33

requirements of democracy without placing them in a legal framework.¹³ An important part of this is certainly the system of political finance and access to mass media — the set of rules that govern the distribution of money in politics and free broadcasting. Well-defined and established rules establish a hierarchy of norms that make actions by and upon political parties legitimate and predictable. Moreover, electoral systems in every democratizing country must strike a balance between equality and liberty as both ‘serve the same democratic mission.’¹⁴ Legislation should also attempt to reduce economic inequality among parties and candidates rather than try to achieve perfect equality of political resources. Democracies seeking to regulate the use and abuse of money in politics should try to achieve a system that:

- provides enough money for competitive and energetic campaigns that reach the majority of voters,
- does not exclude emerging political forces,
- protects citizens from pressure to offer financial support to any political organization or candidate,
- preserves equal opportunities for all citizens who want to participate in government,
- offers equal opportunities for all citizens to access their representatives,
- prevents corruption by limiting undesirable and disproportionate influence over parties and candidates by their contributors,
- preserves a level playing-field between those who support the parties in government and those in opposition.¹⁵

But progress cannot be promoted simply by introducing new regulations. The state, responsible for enforcement, must not only become stronger; it must simultaneously become more accountable. Without an accountable, democratic regime, efforts to strengthen law enforcement in order to eradicate corruption and lawlessness might have the opposite effect — harsher political finance regulations, in the absence of rule of law, only make for selective enforcement.

Strong enforcement mechanisms (including those available to the tax inspectors and the police) can be used by a non-democratic regime to deprive the opposition of the right to participate effectively in the electoral process. The creation of an electoral system that is not controlled by a non-partisan enforcement agency can undermine the whole idea of free and fair elections, as harassment of those not favored by those who control the system is an inherent feature of such conditions. The lack of an institutionally and financially independent enforcement agency is another serious weakness that can undermine the working of a successful electoral system in countries going through democratic transition. Selective, partisan enforcement of political finance and mass media regulations serves to reduce electoral competition and can lead to long periods of one-party domination.

Thus, disclosure of the sources of political financing is not an essential component for all political finance systems during democratization. In fact, Keith Ewing points to the evidence of compelled disclosure leading to harassment in the United States, in *Brown v. Socialist Workers*¹⁶

¹³ Brown (2001), p. 561.

¹⁴ Keith D. Ewing, *Money, Politics, and Law: a study of campaign finance reform in Canada* (Oxford: Oxford University Press, 1992), p. 32.

¹⁵ For similar arguments see Alexander (2001), p. 198.

74 *Campaign Committee (Ohio)*¹⁶, 'with the result that Ohio disclosure laws were held unconstitutional to the extent that they applied to the Socialist Workers Party.'¹⁷ Also, some Scandinavian countries have relatively non-transparent political finance regimes: they require no reports on campaign income and expenditure as these constitute a potential violation to the parties' freedom from interference. The delicate process of democratization, when struggling with political corruption, requires a degree of privacy and freedom from harassment. During the transition period a party in power tends to use the state apparatus to its advantage. Thus, party finance enforcement by a strong government-controlled authority is not an optimal formula for all newly democratizing countries.

An accountable system of political finance presupposes other arenas to be well- organized enough to discipline the political actors. Where the rule of law is weak and civil society and economic society are weakly organized, they will be incapable of disciplining the political actors to play according to the electoral rules. This might explain why there is so much political corruption connected with elections in post-Communist countries, despite media efforts to expose it, and why the problems facing the development of a transparent and accountable government seem so enormous and intractable. Although, even in Western democracies, where the rule of law, civil and economic societies are well established, political finance poses serious problems, albeit of a less dangerous character than in recently emerged democracies.

The current dissatisfaction in Central and Eastern Europe with progress toward democratic consolidation is to a large degree based on perceived problems of election-related political corruption. In country after country, including Ukraine, there have been explosions of popular discontent with political corruption, frequently associated with political finance in particular. Leslie Holmes and Wojciech Roszkowski rightly suggest that, 'Without relatively crystallised party systems and comparatively clean political and economic systems, post-Communist states will not be able to attain the levels of stability and democracy that Western states have.'¹⁸

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¹⁶ *Brown v. Socialist Workers' 74 Campaign Committee (Ohio)* 459 US 87 (1982).

¹⁷ Ewing (1992), p. 195.

¹⁸ See Leslie Holmes and Wojciech Roszkowski (eds), *Changing Rules – Polish political and economic transformation in comparative perspective* (Warsaw: Institute of Political Studies Polish Academy of Science, 1997), p. 7. See also World Bank Report 11.10.1999. *Korupcja w Polsce (Corruption in Poland)*.

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